

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MODEL UNIFORMS, LLC, f/k/a MODEL)
CLEANERS, UNIFORMS AND APPAREL)
LLC,)

Plaintiff,)

vs)

Civil Action No. 17-731

ERP COMPLIANT FUELS, LLC,)
Defendant.)

MEMORANDUM ORDER

On June 5, 2017, Defendant, ERP Compliant Fuels, LLC, filed a Notice of Removal with respect to a case filed against in by Plaintiff, Model Uniforms, LLC, f/k/a Model Cleaners, Uniforms and Apparel, LLC, in the Court of Common Pleas of Washington County, Pennsylvania. Defendant asserts subject matter jurisdiction on the basis of diversity of citizenship, contending that Plaintiff is a “resident” of Pennsylvania and that Defendant is “not a citizen of Pennsylvania and its principal place of business is not located in Pennsylvania.” (ECF No. 1 ¶¶ 8-9.) Defendant further notes that the Complaint alleges damages in excess of \$100,000, which is above the \$75,000 amount needed for an amount in controversy.

However, both Plaintiff and Defendant are alleged to be Limited Liability Companies (“LLCs”). “[T]he citizenship of an LLC is determined by the citizenship of its members.” Zambelli Fireworks Mfg. Co., Inc. v. Wood, 592 F.3d 412, 419-20 (3d Cir. 2010). In addition, where one of the members of the LLC named in the complaint is also an LLC, the citizenship of that LLC’s members must also be traced to determine the citizenship of the LLC named in the complaint. Id. at 420 (citation omitted). The “principal place of business” of an LLC is irrelevant, although if a member of an LLC is a corporation, then that member’s citizenship is of

course determined by the corporation's state of incorporation and principal place of business. 28 U.S.C. § 1332(c)(1).

Defendant's Notice of Removal fails to allege the citizenship of the members of Plaintiff and Defendant, both LLCs. Indeed, it fails to identify the members of either LLC. Therefore, Defendant has failed to establish this Court's subject matter jurisdiction over this action.

AND NOW, this 7th day of June, 2017,

IT IS HEREBY ORDERED that on or before June 28, 2017, Defendant shall file an amended Notice of Removal that sets forth sufficient factual allegations to establish diversity of citizenship among the parties. Failure to comply with this Order may result in remand of the action to state court.

s/Robert C. Mitchell
ROBERT C. MITCHELL
United States Magistrate Judge